

The proposals of the Administration would, of course, go beyond the voting cases and give to the Department the authority to invoke civil remedies in other cases of civil rights violations. Here, as in the voting situation, private persons have long been able to bring civil suits where civil rights violations have occurred. Much of the large body of judicial precedent and decision which has been built up in the courts defining constitutionally protected rights has been handed down in such suits. Yet the federal government is limited to criminal prosecutions which, as in voting cases, are cumbersome, difficult, and in situations not involving brutality and violence often unduly harsh.

Our experience over the years in civil rights cases demonstrates that in many situations civil remedies would go far toward permitting the government to arrive at the most rational and fair solution of the problems presented. Let me give you an example of what I mean. The United States Supreme Court recently reversed the conviction of a Negro sentenced to death by a State court because of a showing that Negroes had been systematically excluded from the panels of the grand and petit juries that had indicted and tried him. In so doing the Supreme Court stated that according to the undisputed evidence in the record before it systematic discrimination against Negroes in the selection of jury panels had persisted for many years past in the county where the case had been tried. In its opinion the Court mentioned parenthetically, but we thought pointedly, that such discrimination was a denial of equal protection of the laws, and it would follow that it was a violation of the Federal civil rights laws.

Accordingly, the Department of Justice had no alternative except to institute an investigation to determine whether in the selection of jury panels in the county in question the civil rights laws of the United States were being

